



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** March 19, 2024

**Report Number:** DS-2024-06

**Subject:** Zoning By-law Amendment  
259 Kensington Boulevard  
Scheduling of a Public Meeting  
OUR FILE: D19 259KEN

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, to be held on Tuesday, April 9, 2024 at 6:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.11 hectare (0.27 acre) parcel of land situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard), seeking to amend Zoning By-law 2065 by rezoning the subject land from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-9)” in order to facilitate the construction of a two-storey, two-unit dwelling (semi-detached dwelling) and establish site-specific lot provisions, **be authorized**.

### Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 1138 square metre (12,244 square foot) lot situated on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard) in order to facilitate the construction of a two-storey, two-unit dwelling (semi-detached dwelling). The purpose of this report is to

request the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

## **Background**

### **Subject Property**

The applicants of a Zoning By-law amendment (“the Owner”) own a 1137.5 square metre (12,244 square foot) lot with a frontage of 27.4 metres (90 feet), located on the west side of Kensington Boulevard, approximately 122 metres (400 feet) south of its intersection with Burlington Street (259 Kensington Boulevard) (“subject property”). A single-unit dwelling once occupied the property but was demolished in 2011. The property is currently vacant (see Attachment 1).

### **Proposed Zoning By-law Amendment**

The Owner has submitted a Zoning By-law amendment application seeking to amend Zoning By-law 2065 by rezoning the subject land from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-9)” in order to facilitate the construction of a two-storey, 464.5 square metre (5,000 square foot), two-unit dwelling (semi-detached dwelling) and establish site-specific lot provisions in order to:

- permit a minimum lot area of 6,000 square feet, minimum lot frontage of 45 feet and a zero interior side yard only to accommodate the potential future division of the subject property along the common wall dividing the semi-detached dwelling, such that each dwelling unit would be on its own lot and could be sold separately;
- permit a 42 percent lot coverage where 40 percent is currently permitted by the current R2 zone; and
- permit the proposed patios associated with each unit to encroach 3.7 metres (12 feet) into the required front yard where 2.4 metres (8 feet) is currently allowed.

The current R2 zone that applies to the subject property permits single-unit detached dwellings. The proposed new two-unit dwelling complies with the height and minimum yard (front/rear/side) provisions of that zone.

Along with the application, the Owner has provided a preliminary site plan (see Attachment 2) and architectural renderings (see Attachment 3) depicting the proposed two-unit dwelling.

## Surrounding Land Uses

The subject property is situated within a predominately low density residential neighbourhood. Relatively large single-unit dwellings on large lots about the subject property to the north, south and west and characterize the form of development on the surrounding residential streets. The Beach Grove Golf and Country Club golf course is located across Arlington Boulevard to the east. Farther to the southwest are multiple institutional and recreational uses (St. Andre Elementary, Beacon Heights High School (currently under construction) and Green Acres Optimist Park (see Attachment 4).

## Comments

### Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*.

There are a number of policies within the PPS that support the application for the proposed residential development. The following are the relevant excerpts from the PPS:

“1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

- a) Healthy, liveable and safe communities are sustained by:
- b) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...uses to meet long-term needs;

...

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
  - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - ...
  - d) are transit-supportive, where transit is planned, exists or may be developed

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

#### 1.4 Housing

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

- b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and

- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

#### 6.0 Definitions

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas.”

In summary, the PPS establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. The PPS also supports the development of a broad range of housing types and tenures and encourages residential intensification within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of residential development that achieves all of the foregoing policy objectives. It provides an alternative form of housing type that provides for a more compact built form. The proposed development is also considered to be intensification in accordance with the definition contained in the PPS. In addition, the proposed development is serviced by the Tecumseh Transit System and is within walking distance of a bus stop. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

## **County of Essex Official Plan**

The subject property is within an identified Primary Settlement Area of the County Official Plan (“County OP”). The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

### **“3.2 SETTLEMENT AREAS**

#### **3.2.2 Goals**

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas

...

- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.

...

- i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced secondary settlement areas.

### 3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

### 3.2.6 General Settlement Area Policies

The following policies apply to all “Settlement Areas” identified on Schedule “A1” of this Plan:

...

- b) The County supports residential intensification within Primary Settlement Areas.

...

- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

- i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary,

lands which are designated and available as defined by Provincial Policy.

- ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

### 3.2.7 Intensification and Redevelopment

The County encourages well-planned intensification development projects in the Settlement Areas to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

In accordance with the aforementioned goals and policies, it is the opinion of the writer that the proposed development conforms to the County OP.

## **Tecumseh Official Plan**

The subject land is currently designated “Residential” on Schedule “B-1” of the Tecumseh Official Plan (“Tecumseh OP”) (see Attachment 5) and is subject to the “Low Density Residential” policies contained therein. The type of dwelling being proposed is contemplated by this designation provided it can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The Tecumseh OP permits the type of dwelling being proposed. With respect to the proposed land use, the Tecumseh OP establishes the following:

### “4.2.1 Goals



The following goals are established for the Residential area:

...

- ii) to encourage the development of a greater variety of housing types in the Town to meet the future housing needs of all households, and to meet the provincial housing objectives as set out in the Provincial Policy Statement and County of Essex Official Plan;
- iii) to ensure that new residential development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- iv) to encourage the infilling and rounding out of the existing development pattern in urban areas of the Town where a full range of municipal infrastructure (including a piped sanitary sewer system), community facilities, and goods and services can be provided in a cost-effective and environmentally sound manner;
- v) to ensure that existing and new residential areas are walkable and, to the greatest extent possible, are supported by all modes of transportation;
- vi) to promote and encourage residential intensification activities in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. Residential intensification includes infilling, ARUs, conversions and redevelopment;

#### 4.2.2 Policies

The following policies shall apply to those lands designated Residential on the Land Use Schedules of this Plan:

- i) the use of lands designated Residential shall be for all forms of housing, including special needs housing, in accordance with subsections 4.2.2.1, 4.2.2.2 and 4.2.2.3;

...

- v) the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town. A minimum of 15 percent of all new housing within the Town should be provided through residential infill

and/or intensification, as identified as a target in the County of Essex Official Plan. Residential intensification shall be defined as a net increase in residential units or accommodation within a given property, site or area and includes:

- a. redevelopment, including the redevelopment of brownfield sites;
  - b. the development of vacant or underutilized lots within previously developed areas;
  - c. infill development
- vi) within existing stable residential areas, applications for infill or redevelopment must be located and organized to fit with neighbouring properties and must satisfactorily address the criteria contained in Section 3.18 of this Plan. In fully serviced areas, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved in neighbourhoods that are adjacent or in close proximity to such items as transit routes, commercial areas, community facilities and/or significant areas of open space.”

The Tecumseh OP permits the type of residential development being proposed and encourages the redevelopment and intensification of residential areas where appropriate. As noted above, in determining its appropriateness, the proposed development is to be evaluated against the relevant land use compatibility criteria contained in Section 3.18 of the Tecumseh OP, as follows:

### “3.18 Land Use Compatibility

In order to foster a sustainable development pattern, some land uses need to inter-relate while others are best separated. Further development and redevelopment in the Town will be guided by principles of land use compatibility that respect the quality and stability of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity in order to avoid or mitigate adverse effects. Land use compatibility does not mean “the same as” but to coexist harmoniously with one another.

#### 3.18.1 Matters to be Assessed

Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses. The demonstration of compatible development and land use change must consider the potential for impacts related to the character, planned function and/or ecological integrity of an area as well as the health and safety of humans. Where there exists a potential for negative impacts, the following land use compatibility matters shall be assessed:

- i) shadowing;
- ii) loss of privacy due to intrusive overlook;
- iii) increased levels of light pollution, noise, odour, dust or vibration;
- iv) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;
- v) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas or setting;
- vi) visual intrusion that disrupts the streetscape or buildings;
- vii) built form in terms of scale and massing; and
- viii) the loss or impairment of significant views of natural features and areas to residents.

### 3.18.2 Mitigation Measures

Mitigation Measures Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- i) ensuring adequate setbacks and minimum yard requirements;
- ii) establishing appropriate transition in building heights, coverage and massing;

- iii) requiring fencing, walls, landscaping or berming to create a visual screen;
- iv) designing the building in a way that minimizes adverse effects;
- v) maintaining mature vegetation and/or adding new landscaping features;
- vi) controlling access locations, driveways, service areas and activity areas; and
- vii) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including Zoning By-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.”

Based on an initial review of the preliminary site plan, the proposed two-unit dwelling will meet the foregoing compatibility criteria.

In addition, the subject property is within the Lake St. Clair Floodprone Area on Schedule “D” of the Tecumseh OP. Subsection 5.5.3 iv) of the Tecumseh OP establishes that development and site alteration may be permitted in the Lake St. Clair Floodprone Areas, in consultation with ERCA, where the risk to public safety and other effects can be absorbed, managed or mitigated in accordance with the following standards:

- a. the flooding and erosion hazards can be safely addressed, and the development and site alteration is carried out in accordance with flood-proofing standards, protection works standards, and access standards;
- b. existing hazards are not aggravated or new hazards are not created;
- c. no adverse environmental impacts will result;
- d. vehicles and people have a way of safe ingress and egress during times of flooding, erosion or other emergencies;
- e. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances; and

- f. development is carried out in accordance with established standards and procedures.

In this regard, the Town has a Flood Response Action Plan and owns a high-water rescue vehicle.

In addition, the minimum elevation of openings for the proposed building will need to be in accordance with ERCA flood-proofing regulations. In light of this, the Owner has submitted a lot/grading plan that establishes the proposed grading and drainage design for the proposed development. The site will be designed in a way that all stormwater run-off from the development will be contained on-site and then discharged into the municipal stormwater system. No drainage from the development will be discharged on abutting properties. Public Works has reviewed the lot grading/paving plan and does not have concerns with the proposed design for the site. In addition, Town Administration has been advised that ERCA has issued a permit for the development proposal and associated grading/paving plan.

Based on all of the foregoing, the Tecumseh OP encourages and permits the type of residential development being proposed for the subject property, subject to the review, evaluation and public/stakeholder consultation process being undertaken as part of the required Zoning By-law Amendment process.

## **Zoning By-law 2065**

As noted earlier in this Report, the subject land is currently zoned “Residential Type Two Zone (R2)” (see Attachment 6), which permits single-unit dwellings. The proposed zoning by-law amendment changes the zoning on the subject property from “R2” to a site-specific “R2-9” in order to facilitate the construction of the proposed two-unit dwelling and establish minimum frontage and lot area provisions in order to facilitate any future potential severance of the property in order to place each unit within the two-unit dwelling on its own conveyable lot for freehold ownership.

## **Conclusion**

Having regard to the range, scale, location and nature of surrounding uses, the location of the proposed dwelling along with the current policy environment encouraging standards that support residential intensification and more compact and efficient development, it is believed that there is merit in considering the requested application to permit the proposed residential intensification on the subject land.

Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input. A public meeting to

consider the proposed amendments will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications. If issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

## Consultations

Public Works & Engineering Services  
Director Community Safety & Fire Chief

## Financial Implications

None.

## Link to Strategic Priorities

| Applicable                          | <a href="#">2023-2026 Strategic Priorities</a>  |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.                                |
| <input checked="" type="checkbox"/> | Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do. |
| <input type="checkbox"/>            | Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.   |

## Communications

Not applicable ☐

Website ☒      Social Media ☒      News Release ☐      Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Senior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services & Local Economic Development

Reviewed by:

Wade Bondy  
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Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

| <b>Attachment Number</b> | <b>Attachment Name</b> |
|--------------------------|------------------------|
| 1.                       | Property Location Map  |
| 2.                       | Preliminary Site Plan  |



| <b>Attachment<br/>Number</b> | <b>Attachment<br/>Name</b>                      |
|------------------------------|---|
| 3.                           | Preliminary Architectural Renderings            |
| 4.                           | Property Location and Surrounding Land Uses Map |
| 5.                           | Official Plan Map                               |
| 6.                           | Zoning Map                                      |